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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,533	03/29/2001	Bernard Jan Marie Smeets	34650-00665USPT	4727

23932 7590 04/18/2005

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,533

Applicant(s)

SMEETS ET AL.

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16-27 and 32-50 is/are rejected.
- 7) ☒ Claim(s) 12-15 and 28-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

4

Response to Arguments

1. Applicant's arguments filed 10 January 2005 have been fully considered but they are not persuasive.
2. Referring to the rejection of claim 1, the Applicant contends and argues that the prior art Osborn does not teach nor suggest a system that includes a plurality of functions in which each of the plurality of functions has a corresponding key associated therewith. The Examiner disagrees and asserts that Osborn teaches an apparatus for providing controlled access to a plurality of functions in the apparatus. In Figure 4, Osborn discloses a controller which controls operations of a cellular telephone and the electronic memory of a cellular telephone system which incorporates protection for secure, leveled access to a plurality of functions within the system. The functions of the controller are stored within the IROM and associated with the plurality of functions is a corresponding public encryption key. An authentication code and a boot code are also stored within the IROM. The authentication code is shared among the plurality of functions. (See Column 7, lines 60-67, Column 8, lines 1-64)
3. Referring to the rejection of claim 21, the Applicant contends and argues that the prior art Osborn does teach nor suggest a second authentication process using a second key generated based on a random challenge made during the first authentication process. The Examiner disagrees and asserts that Osborn teaches in Figure 7, a first authentication process is performed using a public encryption key and a generated random challenge 1 (See Column 10, lines 8-30). In Figure 8, the second

Art Unit: 2137

authentication process is performed using a private key generated based on a random challenge 1 and 2. (See Column 10, lines 30-54)

4. Therefore, the rejection of claims 1-11, 16-27, and 32-50 are maintained in view of the reasons above and in view of the reasons below.

Allowable Subject Matter

5. Claims 12-15 and 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Osborn (U.S. Patent No. 6,026,293). Referring to the rejection of claims 1 and 37, Osborn discloses a method and system for providing controlled access to a desired function which includes functions having a corresponding key comprising: selecting a key

Art Unit: 2137

corresponding to the desired function, conducting an authentication process which includes using the selected key, and controlling access to the desired function according to a result of the authentication process in Column 6, lines 50-60, Column 8, lines 19-62.

As per claim 2, Osborn discloses the claimed limitation wherein the step of an entity requesting access to the desired function in the system prior to the step of selecting a key in Column 6, lines 46-50.

As per claims 3 and 38, Osborn discloses the claimed limitation wherein each of the corresponding keys comprises a public key in Column 10, lines 14-17.

As per claims 4 and 24, Osborn discloses the claimed limitation wherein each of the corresponding keys, authentication code, and codes for plurality of functions are stored in a memory of the system in Column 15, lines 20-24.

As per claims 5,25,39, and 47, Osborn discloses the claimed limitation wherein the memory comprises an internal read-only memory (IROM) in Column 7, lines 65-67.

As per claims 6,26,40, and 48, Osborn discloses the claimed limitation wherein the memory comprises a one-time programmable part of a non-volatile program memory in Column 3, lines 66-67, Column 7, lines 1-2.

As per claims 7 and 41, Osborn discloses the claimed limitation wherein the step of conducting an authentication process comprises the step of conducting a first authentication process which includes using a first selected key, and wherein the method further includes the step of conducting a second authentication process which

Art Unit: 2137

includes using a second key which is generated using a second key code created during the first authentication process in Column 10, lines 24-54.

As per claims 8 and 42, Osborn discloses the claimed limitation wherein the second key comprises a session key computed by the system and an entity seeking access to the desired function in Column 13, lines 36-58.

As per claims 9 and 23, Osborn discloses the claimed limitation wherein the second authentication process includes comparing the session keys computed by the system and the entity, access to the desired function by the entity being authorized if the compared session keys match in Column 8, lines 19-46.

As per claim 10, Osborn discloses the claimed limitation wherein the second key code is created using a random challenge sent to the entity by the system during the first authentication process in Column 10, lines 35-54.

As per claims 11, 27, 43, and 49, Osborn discloses the claimed limitation wherein the second key is stored in a protected static random access memory (PSRAM) of the system in Column 8, lines 2-3, 32-33.

As per claims 16 and 32, Osborn discloses the claimed limitation wherein the step of adding MAC protection for data transmitted between the system and the entity, the MAC protection utilizing the session key in Column 11, lines 51-60.

As per claims 17 and 33, Osborn discloses the claimed limitation wherein an algorithm code for MAC protection is stored in an internal read-only memory (IROM) of the system in Column 14, lines 36-67, Column 15, lines 1-32.

Art Unit: 2137

As per claims 18 and 34, Osborn discloses the claimed limitation wherein an algorithm code for MAC protection is stored in a one-time programmable part of a non-volatile memory of said system in Column 9, lines 5-9.

As per claims 19 and 35, Osborn discloses the claimed limitation wherein an algorithm code for MAC protection is stored in the entity in Column 15, lines 20-24.

As per claims 20,36,44, and 50, Osborn discloses the claimed limitation wherein the system comprises a cellular telephone system in Column 7, lines 60-61, and Figure 4.

As per claims 21 and 45, Osborn discloses a method and system for providing controlled access to a desired function in a system which includes one or more functions, comprising: conducting a first authentication process with an external entity which includes using a first key corresponding to the desired function, conducting a second authentication process using a second key which is generated based on a random challenge made by the system to the external entity during the first authentication process, and a random challenge made by the system to the external entity during the first authentication, and controlling access to the desired function according to a result of the first and second authentication process in Column 10, lines 14-67, Column 11, lines 1-41

As per claims 22 and 46, Osborn discloses the claimed limitation wherein the first key comprises a public key and the second key comprises a private session key shared by the system and the external entity in Column 13, lines 13-28, Column 14, lines 9-31.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

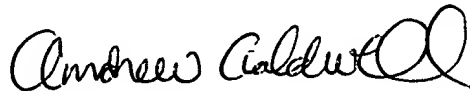
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cdf
April 7, 2005



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER